

REMARKS

The application has been amended and is believed to be in condition for allowance. This paper is filed as part of a Request for Continued Examination ("RCE").

Amendments to the Disclosure

Claims 1 and 13 are amended to further distinguish the invention over the prior art and claims 5 and 16 are canceled without prejudice. The amendments to claims 1 and 13 find support in the specification, the drawing figures, and the claims as originally filed (e.g., page 3, lines 30-33; canceled claims 5, 14 and 16).

Claim 22 is amended to overcome the Official Action's objection, as detailed below.

The foregoing amendments to the claims do not introduce new matter.

Formal Matters

The Official Action objected to claim 22, stating that "said electronic component" lacks proper antecedent basis.

In response, claim 22 is amended in a manner believed to overcome the Official Action's objection. Withdrawal of the objection to claim 22 is thereby respectfully requested.

Substantive Issues - Section 102 and 103

The Official Action rejected claims 13, 15 and 21-22 under 35 USC 102(b) as being anticipated by Sloan (US 6,273,335; "SLOAN").

The Official Action rejected claims 1, 5-7, 13, 16-17, and 20 under 35 USC 102(b) as being anticipated by Armuzzi et al. (EP 1 143 688; "ARMUZZI").

The Official Action rejected claims 1, 3-4, 9-13, 15, and 21-22 under 35 USC 103(a) as being unpatentable over SLOAN in view of Lin et al. (EP 1 223 565; "LIN").

The Official Action rejected claims 8 and 18-19 under 35 USC 103(a) as being unpatentable over SLOAN in view of Sato (US Pub. 2002/0103891; "SATO").

The rejections are respectfully traversed for at least the reasons that follow.

It is firstly noted that claims 1 and 13 have been amended, as indicated above. It is respectfully submitted that none of the references cited, individually or in combination, teach or suggest the invention as presently recited in claims 1 and 13 as amended.

I. THE REFERENCES FAIL TO ANTICIPATE THE INVENTION

As to ARMUZZI, it is respectfully submitted that ARMUZZI fails to disclose the claimed features of amended claim 1, and in particular fails to teach the feature of

modifying at least one characteristic of the performance of the microcircuit card after a step of personalization.

At this point, it is helpful to review the reference in more detail. ARMUZZI discloses a method for performing mobile services, such as an application of the agenda type, on a mobile device having a microprocessor smart card (paragraph [0006]). The object of the disclosed method is directed to the need for location independent information exchange in a user's perspective (paragraph [0003]).

Therefore, ARMUZZI's smart card comprises an interpreter platform for interpreting the mobile service programs and a mobile service part (i.e. the mobile service programs). The interpreter platform comprises a receiving part and an interpreter part (paragraph [0013]. The mobile services are transmitted from a server as SMS point to point messages and stored in a memory of the smart card (paragraphs [0011], [0017]). Once stored, they can be executed on the mobile device allowing a user to exchange data selectively with a server (paragraphs [0029]-[0033]).

However, based on the teachings of ARMUZZI, even if mobile services are provided after a step of personalization (i.e., even if application programs can be executed after a step of personalization), they do not modify any characteristic of the performance of the smart card. That is,

memorizing data or programs in the smart card does not modify the characteristics of its performance.

Consequently, ARMUZZI's smart card does not comprise means for modifying at least one characteristic of the performance of the smart card, as recited by independent claim 1. Accordingly, it is respectfully submitted that ARMUZZI does not anticipate the invention as claimed.

It is also respectfully submitted that claim 13, as amended, is not anticipated by SLOAN. Claim 13, as amended, recites a step of cryptographically authenticating the sender of said command, and further that the receiving step (E20) conforms to an SMS type protocol. SLOAN does not anticipate this.

SLOAN is directed to a device for locking and unlocking an application in a smart card. To that end, the smart card is inserted into a device configured to mate with a smart card (col. 5, lines 17-39). As described by reference to Figure 8, locking an application comprises the steps of transmitting a locking command, from the device to the smart card, locking the application in the smart card, transmitting the smart card identifier and password from the smart card to the device, and memorizing the identifier and password in the device (see, e.g., Figure 8, column 7, lines 33-59).

Reciprocally, as described by reference to Figure 12, unlocking an application comprises the steps of reading the

identifier of a smart card in the device, determining whether a password associated to the smart card identifier has been previously memorized, and, if a password associated to the smart card identifier has been previously memorized, transmitting an unlocking command comprising the previously memorized password from the device to the smart card, and comparing the received password with the smart card password, the application being unlocked if both passwords are similar (see, e.g., Figure 12; column 8, lines 51-65).

According to SLOAN, the unlocking command consists in comparing a memorized password and a received password (Figure 12; column 8 line 66 to column 9 line 13). SLOAN does not teach or suggest cryptographic means requiring a predetermined authentication key, as required by claims 1 and 13. No cryptographic means or step is either taught or suggested for authenticating the sender of a command received by the smart card, as required by the independent claims 1 and 13. On the contrary, it is readily apparent that SLOAN transmits its data "in the clear".

Furthermore, SLOAN fails to disclose the feature according to which the command for modifying at least one characteristic of the performance of the microcircuit card is received in accordance with a protocol of the SMS type. In other words, SLOAN fails to disclose a smart card comprising a

receiver means adapted to receive such a command in accordance with a protocol of the SMS type.

It is therefore respectfully submitted that SLOAN fails to anticipate all the features recited in amended claim 13.

II. THE INVENTION AS CLAIMED IS NON-OBVIOUS

It is respectfully submitted that none of the applied references, individually or in combination, teach or suggest the invention as recited by the amended claims 1 and 13.

ARMUZZI and SLOAN are directed to different technical problems. ARMUZZI is directed to providing the user of a mobile device equipped with a smart card with mobile services for responding to the need for location-independent information exchange (paragraph [0003]). SLOAN is directed to improving the reliability of a smart card by locking/unlocking applications (e.g., column 2, lines 24-60).

Further, even of the one skilled in the art would have combined the teaching of ARMUZZI with the one of SLOAN, the skilled person would fail to obtain the invention as recited in the independent claims as presented.

On the contrary, the skilled person would have obtained a system providing the user of a mobile device equipped with a smart card with mobile services for responding to the need for location-independent information exchange

(ARMUZZI), and improving the reliability of a smart card by locking/unlocking applications (SLOAN). Therefore, the obtained system would have been different than the claimed microcircuit card.

It is therefore respectfully submitted that the combination of AMUZZI and SLOAN as proposed by the Official Action fails to teach all the features of the independent claims, and in any case one of skill would have had no motivation, at the time of invention, to have made the modification as proposed.

It is also respectfully submitted that the proposed combination of SLOAN and LIN fails to render obvious claims 1 and 13, as amended with the subject matter of claims 5 and 16, respectively. As amended, LIN fails to overcome the defects identified above as to SLOAN.

Additionally, SLOAN and LIN are directed to dissimilar fields. As above, SLOAN is directed to the use of a trusted device to be connected to a smart card. In contrast, LIN concerns contact-less communications between public terminals and smart cards. One of skill would understand that the requirements in terms of security are not equivalent in both situations, and thus one of skill would have not been motivated to combine the teachings of these references.

Even if one of skill would have been motivated to modify SLOAN with LIN, the result, at best, would have been a

smart card adapted to cooperate with a device allowing the locking and unlocking of applications, according to the teaching of SLOAN, and adapted to operate a mutual authentication with a terminal prior to exchange data. Only after having successfully authenticated the terminal and the smart card (LIN), the command comprising the password would have been exchanged (SLOAN). These two steps fail to teach or suggest the invention as claimed wherein the authentication of the sender is based upon the received encrypted command for modifying the performance of the card.

It is therefore respectfully submitted that the invention, as claimed in the amended claims 1 and 13, is patentable over SLOAN and LIN.

It is further respectfully submitted that the claims dependent from claims 1 and 13 are patentable at least for depending from patentable parent claims.

Reconsideration and allowance of the claims are respectfully requested.

III. CONCLUSION

From the foregoing, it will be apparent that Applicants have fully responded to the August 19, 2009 Official Action and that the claims as presented are patentable. In view of this, Applicants respectfully request reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, the Examiner is invited to telephone the attorney for Applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Jeremy G. Mereness/
Jeremy G. Mereness, Reg. No. 63,422
209 Madison Street
Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JGM/jr